

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CARLYLE PHILLIP,)	
)	Civil Action No. 04-11896-MLW
Petitioner,)	
)	
v.)	
)	
IMMIGRATION AND NATURALIZATION)	
SERVICE,)	
)	
Respondent.)	

MOTION TO TRANSFER CASE TO FIRST CIRCUIT COURT OF APPEALS
PURSUANT TO SECTION 106(c) OF THE REAL ID ACT OF 2005

Respondent moves to transfer this action to the United States Court of Appeals for the First Circuit pursuant to Section 106(c) of the REAL ID Act of 2005, Pub. L. No. 109-13, Div. B, 119 Stat. 231. The grounds for this motion are set forth in the accompanying memorandum of law.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ George B. Henderson, II
George B. Henderson, II
Assistant U.S. Attorney
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Dated: September 26, 2005

CERTIFICATION

The undersigned counsel states that he has not conferred with the pro se petitioner because LR 7.1(a)(2) requires "counsel" to confer and therefore does not apply when a

party proceeds pro se. To the extent LR 7.1(a)(2) applies, it is requested compliance be excused here.

/s/ George B. Henderson, II

George B. Henderson, II

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon pro se petitioner by mail on September 26, 2005, at petitioner's most recently provided United States address outside of confinement:

Carlyle Phillip
c/o Kelvin Quamina
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Springfield, MA 01108

/s/ George B. Henderson, II

George B. Henderson, II
Assistant U.S. Attorney